

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PAUL J. BISHOP,

Plaintiff,

v.

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, and JOHN
LAVA,**

Defendants.

Civil Action No.: 11-573

ORDER

HON. WILLIAM J. MARTINI

THIS MATTER comes before the Court upon Plaintiff Paul J. Bishop's Complaint, Bishop's motion for default judgment, and Bishop's motion for preliminary injunction. The crux of Bishop's allegations is that he was wrongfully terminated by the United States Department of Homeland Security and John Lava, the New Jersey Assistant Port Director for Homeland Security. Bishop previously filed substantially the same lawsuit against the same defendants on March 3, 2010. That original lawsuit was Civil Action No. 10-1095. The defendants are the same in both suits, and both share a common nucleus of operative facts. The chief difference is that Bishop has made additional demands in his present action, including, for example, a request for \$10 Billion in damages. On December 21, 2010, this Court found that it lacked subject matter jurisdiction over Civil Action No. 10-1095 and transferred the case to the United States Court of Appeals for the Federal Circuit. *See Bishop v. U.S. Dep't of Homeland Sec.*, No.

10-CV-1095, 2010 WL 5392897 (D.N.J. Dec. 21, 2010). On January 31, 2011, while his motion for reconsideration of the Court's transfer order was still pending in Action No. 10-1095, Bishop filed the present lawsuit.

As this Court noted in its Order denying reconsideration, this Court was divested of subject matter jurisdiction over Action No. 10-1095 once that case was transferred to the Federal Circuit. *See Bishop v. U.S. Dep't of Homeland Sec.*, No. 10-CV-1095, 2011 WL 529933 (D.N.J. Feb. 8, 2011). Bishop cannot circumvent that lack of jurisdiction by refiling substantially the same lawsuit. And regardless, this Court would still lack subject matter jurisdiction over the refiled action for the same reasons set forth in its December 21, 2010 Opinion transferring his original case.

For the foregoing reasons and for good cause shown;

IT IS on this 13th day of June 2011, hereby,

ORDERED that Defendant's Complaint is **DISMISSED** for lack of subject matter jurisdiction; and it is further

ORDERED that Defendant's remaining motions will be **DENIED** as moot.

/s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.